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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/865,030	05/24/2001	Ali Tabatabai	SONY-50P3882.01.US.P	2901

7590 11/14/2008  
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EXAMINER
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SHANG, ANNAN Q

ART UNIT	PAPER NUMBER
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2424

MAIL DATE	DELIVERY MODE
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11/14/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<p align="center"><b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b></p>	<p><b>Application No.</b> 09/865,030</p>	<p><b>Applicant(s)</b> TABATABAI ET AL.</p>	
	<p><b>Examiner</b> ANNAN Q. SHANG</p>	<p><b>Art Unit</b> 2424</p>	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 24 September 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: \_\_\_\_\_.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_.

/Annan Q Shang/  
Primary Examiner, Art Unit 2424

Continuation of 11. does NOT place the application in condition for allowance because: With respect to claims 1-3, 6, 7, 9 and 10, rejected under 35 U.S.C. 103(a) as being unpatentable over Basso et al (6,751,623) in view of Huang et al (6,593,936), Claims 11-25, 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over of Huang et al (6,593,936) in view of Basso et al (6,751,623) and claims 4, 5, and 8 rejected under 35 U.S.C. 103(a) as being unpatentable over Basso et al (6,751,623) in view of Huang et al (6,593,936) and further in view of ISO/IEC MPEG 00/N3575 "ISO/IEC" (cited in previous office action), Applicant, discusses the claimed invention and the prior arts of record and further argues that the prior arts of record do not teach the claims limitations, that Basso, the primary prior art of record do not teach the claimed invention and hence the combination of the references is not proper (see page 8+ of Applicant's Remarks).

In response, Examiner disagrees. Examiner notes applicant's arguments, however with respect to the 103(a) rejection, Basso discloses updating description information of MPEG-4 using VRML language in a tree-based structure (col.1, lines 53-67, col.3, lines 15-21 and col.4, line 57-col.5, line 4). Basso further teaches that, external links (URLs) are part of scene description data and the MPEG-4 data includes instructions or rules for dynamically updating specific nodes of the data tree structure stored locally and further teaches that new instructions or rules can be transmitted to control the structural organization to allow easy and programmable or modification of structural organization to support multiple protocols. The new instructions or rules transmitted from the server to the client for changing structural reorganization of the various nodes of the tree and dynamically updates information of particular nodes of the tree (col.5, lines 10-51, col.25, line 53-col.26, line 32 and line 48-col.27, line 49). Basso further suggests that MPEG-7 and other descriptive language could be used within the scope of the invention, but silent to the client executes a command and performs updates using data description language (DDL). However, in the same field of endeavor, this deficiency is disclosed in Huang reference, which performs updates using DDL (col.7, lines 1-50, col.10, line 47-col.11, line 7, col.12, line 26-col.14, line 40 and col.14, line 5+), which meets all the claimed limitations.

With respect to the 103(a) rejection of Huang in view of Basso for claims 11-25, 27 and 28, Huang is silent as to updating specific nodes of the data structure, however, Basso teaches dynamically updating specific nodes of the locally store MPEG-4 data as discussed above. With respect to claims 4, 5, and 8, Basso as modified by Huang, fail to explicitly disclose where sending a command indicating the type of update includes instructions to delete a portion of the description, where the delete is accomplished by deriving by restriction. However, in an analogous art, ISO/IEC discloses where the delete is accomplished by deriving by restriction (Page 5, Section 5.2.2.4). In any event, Applicant is reminded that a reference can be relied upon for all that would have been reasonably suggested to one of ordinary skilled in the art, including non-preferred embodiments. See MPEP 2123. Hence, while Basso teaches preferred or alternate embodiments, Basso system teaches all the claimed limitations, but silent as to the client executes a command and performs updates using data description language (DDL), for which Huang was relied upon. Basso is also silent as to instructions to delete a portion of the description, for which ISO/IEC discloses and was relied upon. Hence Applicant's arguments are not persuasive. The 103(a) rejection is proper, meets all the claims limitations. The finality of the last office action is hereby maintained .